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1 either of your engines?

2 A. No.

3 Q. Do you know of anybody that has had a problem  
4 with that?

5 A. No.

6 Q. You don't.

7 What was -- where did this problem come from?

8 I mean, I'm --

9 A. Just, again, talking to different people that  
10 have had failures. You know, it wasn't Monty, and it  
11 wasn't Candopoulos. People that had had a 3208.

12 Q. Well, you just told me you don't know of  
13 anybody that's had that problem.

14 A. On the harmonic balancer.

15 Q. That's what I mean.

16 So that's -- the propensity to go out of  
17 balance, where did you -- what's your basis for thinking  
18 that may have happened on this engine, if you have one?

19 A. I'm not. I'm saying that there's a design flaw  
20 in the block.

21 Q. Okay. So the propensity for it to go out of  
22 balance, that's not something you think happened here?  
23 Or is that just kind of a -- are you throwing that out as  
24 a possibility?

25 A. It's a possibility. It could happen, just like

1 is this something you inspected personally? Did you  
2 measure the depth of --

3 A. No. I didn't tear the motor down.

4 Q. Okay. Did you have anybody inspect the depth  
5 of the bolt holes to see if they were proper design or  
6 manufacturing specifications?

7 A. We didn't, no.

8 Q. Is this a problem -- and I'm making an  
9 assumption. Tell me whether I'm wrong or right.

10 In conversations with other people, this was a  
11 problem they had on the 3208?

12 A. Yes.

13 Q. And who was that?

14 A. Monty Fisher. When they had their blocks  
15 inspected by Caterpillar, the first thing they did was  
16 measure the depth of the bolt holes, just like they did  
17 ours yesterday.

18 Q. And Monty told you they came up wrong?

19 A. Yeah.

20 Q. Did Mr. Fisher tell you during the course of  
21 this conversation that all four of those engine blocks,  
22 prior to their failure, had been completely overhauled  
23 by -- I believe it's Wilke, Bob Wilke's Equipment? Is  
24 that the right name?

25 A. Yeah.

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1 the timing gear slip.

2 Q. Right. Okay. Is it also a possibility that  
3 the engine, after it was installed in 1994 after the boat  
4 sank, that it was installed incorrectly and the engine  
5 mounts were wrong, and it created a bend or torque in the  
6 crankshaft that could have caused it to break?

7 A. I would have to say no, because obviously  
8 we're -- you know, we were running the boat. There was  
9 no vibration when we got it. All the motor mounts looked  
10 good.

11 Q. Right. But is it a possibility?

12 A. Sure.

13 Q. Okay. You also mentioned that there may be a  
14 problem with the bolt holes?

15 A. Correct.

16 Q. Explain to me what you mean by -- is it the  
17 depth of the bolt holes? I'm not -- I'm not too sure on  
18 that. So if you could explain that to me.

19 A. When they drilled them and tapped them at the  
20 factory, they weren't long enough. So when the bolts  
21 went into the bolt holes, they weren't deep enough. So  
22 bolts bottomed. They achieved their correct torque for  
23 the caps, but the cap was not seated all the way down on  
24 the crank.

25 Q. Okay. And, again, when you removed the engine,

1 Q. Did he tell you that?

2 A. No.

3 Q. So even though you had the discussion about the  
4 engine block failures, he didn't tell you that each one  
5 of those had been at Wilke's repair shop and completely  
6 overhauled before the repair?

7 A. No.

8 Is that true?

9 MR. ANDERSON: We can ask about it later.

10 BY MR. BIR:

11 Q. We can talk about it later.

12 Okay, as we sit here today, can you think of  
13 any other problems or causes that may have caused the  
14 engine failure, through maybe your own hypothesis or  
15 talking with other people?

16 A. No.

17 Some of the ones that we've just talked about,  
18 I mean --

19 Q. Exactly. I apologize.

20 Other than the timing advance gear, the cam and  
21 gear dampeners, the crankshaft, engine block, depth of  
22 the main journal holes, the propensity to get out of  
23 balance, and the depth of the bolt holes, is there  
24 anything else that you've heard of, of having problems on  
25 the 3208?

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35 (Pages 125 to 128)

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1 **Q. Before you purchased it, you had talked to Mr.**  
2 **Candopoulos; he told you that he had some engine block**  
3 **failures?**

4 A. Yes.

5 **Q. So you didn't think to yourself that maybe**  
6 **there might be a problem on the 43-foot Delta with the**  
7 **3208? Or did it just not concern you in the sense that**  
8 **you were going to pull them out later on anyway? I don't**  
9 **know.**

10 A. I knew -- you know, Bobby had told me that they  
11 were having problems with the motors. Part of me thought  
12 that they were hot-rodding.

13 **Q. Okay.**

14 A. Knowing him.

15 **Q. So you thought maybe he was souping them up a**  
16 **little bit, and that's why it was causing the problems?**

17 A. Or running them too hard.

18 **Q. Okay. Okay.**

19 A. Yeah. But I didn't know -- I really don't know  
20 the guy that well, so I don't know what's truth and  
21 what's fiction.

22 **Q. Right. I completely understand.**

23 **Is that kind of a problem with the fishing**  
24 **boats, do they -- in the charters, do they try to get out**  
25 **of the harbor or the gate quicker than everybody else, to**

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1 **get to a certain fishing hole? Why would you run your**  
2 **boat too hard?**

3 A. That's a good question. It costs a lot of  
4 money to replace motors.

5 **Q. That's what I'm saying.**

6 **Is there a reason that you hear that people do**  
7 **it? Is just because of an ego thing? I don't know.**

8 A. Just certain people.

9 **Q. Okay.**

10 A. I mean, if you have a -- let's take  
11 Candopoulos.

12 **Q. Okay.**

13 A. If you have a repetitive problem that they've  
14 lost 13 motors over -- I don't know how many years it  
15 was -- is it a motor problem, or is it a personal  
16 problem?

17 **Q. Right, an operator.**

18 A. Operator problem.

19 I don't know. You know, I just --

20 **Q. Right.**

21 A. You know. But, you know, obviously they had --  
22 they had some engine problems where they were in there a  
23 very short time.

24 And talking to Bill yesterday, you know that  
25 motor is rated at 2400 RPM.

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1 I don't know -- I personally don't know anybody  
2 that's operating them at 2400.

3 **Q. Right.**

4 A. If that's continuous duty, that motor, it  
5 should take it.

6 But, you know -- and Bobby swears they run  
7 theirs at 2250. If that's true, then yeah, there's a  
8 problem with the motor.

9 **Q. So you had the failure on August 10 of 2002,**  
10 **you pulled the motor out with Mr. Summers, and you stated**  
11 **earlier that you wanted to get an overhauled 3208 in**  
12 **there to finish out the season?**

13 A. Rights.

14 **Q. What was the result of trying to get an**  
15 **overhauled 3208 in there?**

16 A. Couldn't find one.

17 **Q. Nothing available?**

18 A. No. NC had nothing.

19 **Q. Okay. So what did you have to do?**

20 A. We went to Wilke. It took us two weeks.

21 **Q. Two weeks before you got the engine?**

22 A. It took us -- no. It took two weeks before --  
23 before -- yeah, we committed to doing a motor with him.

24 **Q. So you were basically looking for two weeks to**  
25 **try to find an overhauled 3208, couldn't do it --**

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1 A. We were waiting for NC to get back with us.

2 **Q. Okay.**

3 A. We were looking for something that was already  
4 built on the floor, right?

5 **Q. Right.**

6 A. Just so we could put the transmission on it,  
7 drop it in, and go.

8 **Q. I got you.**

9 A. Not available.

10 **Q. I got you.**

11 **Okay. I'm going to show you a few documents.**

12 **And they are invoices from Wilke's Heavy Equipment Repair**  
13 **and Cars. They've been previously identified as**  
14 **NINIL 0001 through 0003.**

15 **So just take a look at these for me, and tell**  
16 **me if that accurately represents the invoices you**  
17 **received from Wilke.**

18 A. It looks to be correct.

19 **Q. And the total you paid for him to -- now, did**  
20 **he overhaul the engine? What exactly did he do?**

21 A. No, because he -- he furnished the block and  
22 the crank.

23 **Q. Okay.**

24 A. Because everything else -- I had everything  
25 else.

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Alaska Stenotype Reporters (907)276-1680

Fred Getty, RPR, Ret.

Rick McWilliams, RPR, Ret.